



January 19, 2007

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## SENATE BILL No. 142

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DIGEST OF SB 142 (Updated January 17, 2007 4:06 pm - DI 87)

**Citations Affected:** IC 5-14.

**Synopsis:** Copying, fax, and certification fees. Allows a local government agency to: (1) charge a fee of not more than \$5 for certifying a document; and (2) charge a fee for copying or facsimile transmission of a document that does not exceed the greater of \$0.10 per page or the actual cost to the agency.

**Effective:** July 1, 2007.

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**Steele, Dillon, Broden**

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January 8, 2007, read first time and referred to Committee on Local Government and Elections.  
January 18, 2007, amended, reported favorably — Do Pass.

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SB 142—LS 6314/DI 87+



January 19, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 142

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-14-3-8 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) For the purposes of this  
3 section, "state agency" has the meaning set forth in IC 4-13-1-1.

4 (b) Except as provided in this section, a public agency may not  
5 charge any fee under this chapter:

6 (1) to inspect a public record; or

7 (2) to search for, examine, or review a record to determine  
8 whether the record may be disclosed.

9 (c) The Indiana department of administration shall establish a  
10 uniform copying fee for the copying of one (1) page of a standard-sized  
11 document by state agencies. The fee may not exceed the average cost  
12 of copying records by state agencies or ten cents (\$0.10) per page,  
13 whichever is greater. A state agency may not collect more than the  
14 uniform copying fee for providing a copy of a public record. However,  
15 a state agency shall establish and collect a reasonable fee for copying  
16 nonstandard-sized documents.

17 (d) This subsection applies to a public agency that is not a state

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agency. The fiscal body (as defined in IC 36-1-2-6) of the public agency, or the governing body, if there is no fiscal body, shall establish a fee schedule for the certification, copying, or facsimile machine transmission of documents. The fee **for certification of documents may not exceed five dollars (\$5) per document. The fee for copying or facsimile machine transmission of documents** may not exceed the actual cost of certifying, copying, or facsimile transmission of the document by the agency and the fee must be uniform throughout the public agency and uniform to all purchasers. As used in this subsection, "actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs; **the greater of ten cents (\$0.10) per page or the actual cost to the agency of copying or transmitting the document by facsimile. A fee established under this subsection must be uniform throughout the public agency and uniform to all purchasers.**

(e) If:

(1) a person is entitled to a copy of a public record under this chapter; and

(2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

the public agency must provide at least one (1) copy of the public record to the person. However, if a public agency does not have reasonable access to a machine capable of reproducing the record or if the person cannot reproduce the record by use of enhanced access under section 3.5 of this chapter, the person is only entitled to inspect and manually transcribe the record. A public agency may require that the payment for copying costs be made in advance.

(f) Notwithstanding subsection (b), (c), (d), (g), (h), or (i), a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court.

(g) Except as provided by subsection (h), for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following:

(1) The agency's direct cost of supplying the information in that form.

(2) The standard cost for selling the same information to the public in the form of a publication if the agency has published the

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information and made the publication available for sale.

(3) In the case of the legislative services agency, a reasonable percentage of the agency's direct cost of maintaining the system in which the information is stored. However, the amount charged by the legislative services agency under this subdivision may not exceed the sum of the amounts it may charge under subdivisions (1) and (2).

(h) This subsection applies to the fee charged by a public agency for providing enhanced access to a public record. A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

(i) This subsection applies to the fee charged by a public agency for permitting a governmental entity to inspect public records by means of an electronic device. A public agency may charge any reasonable fee for the inspection of public records under this subsection, or the public agency may waive any fee for the inspection.

(j) Except as provided in subsection (k), a public agency may charge a fee, uniform to all purchasers, for providing an electronic map that is based upon a reasonable percentage of the agency's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser. If the public agency is within a political subdivision having a fiscal body, the fee is subject to the approval of the fiscal body of the political subdivision.

(k) The fee charged by a public agency under subsection (j) to cover costs for maintaining, upgrading, and enhancing an electronic map may be waived by the public agency if the electronic map for which the fee is charged will be used for a noncommercial purpose, including the following:

- (1) Public agency program support.
- (2) Nonprofit activities.
- (3) Journalism.
- (4) Academic research.

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## SENATE MOTION

Madam President: I move that Senator Dillon be added as second author and Senator Broden be added as third author of Senate Bill 142.

STEELE

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 142, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 12, after "costs." insert "**the greater of**".

Page 2, line 12, after "page" insert "**or the actual cost to the agency of copying or transmitting the document by facsimile**".

and when so amended that said bill do pass.

(Reference is to SB 142 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 7, Nays 0.

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